IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COMMITTEE FOR A FAIR AND BALANCED MAP, et al.,	)	
Plaintiffs,	)	
vs.	)	No. 11 C 5065
ILLINOIS STATE BOARD OF ELECTIONS, et al.,	)	Chicago, Illinois
	)	October 20, 2011
Defendants.	)	9:30 A.M.

TRANSCRIPT OF PROCEEDINGS - Motion
BEFORE THE HONORABLE JOAN HUMPHREY LEFKOW

APPEARANCES:

For the Plaintiffs:
MAYER BROWN LLP
71 South Wacker Drive
Chicago, Illinois 60606
BY: MS. LORI E. LIGHTFOOT
MR. THOMAS V. PANOFF

For the Defendants:
OFFICE OF THE ILLINOIS ATTORNEY GENERAL
100 West Randolph Street
11th Floor
Chicago, Illinois 60601
BY: MR. JONATHAN A. ROSENBLATT

POWERS, ROGERS & SMITH
70 West Madison Street
Suite 5500
Chicago, Illinois 60602
BY: MR. DEVON C. BRUCE

PAMELA S. WARREN, CSR, RPR
Official Court Reporter
219 South Dearborn Street
Room 1928
Chicago, Illinois 60604
(312) 294-8907

EXHIBIT
A
PENGAD 800-631-6989

(Proceedings had in open court.)

THE CLERK: 11 C 5065, Committee For A Fair And Balanced Map versus Illinois State Board of Elections.

MS. LIGHTFOOT: Good morning, your Honor. Lori Lightfoot and Tom Panoff on behalf of the plaintiffs.

THE COURT: Good morning.

MR. BRUCE: Good morning, your Honor. Devon Bruce on behalf of the defendants.

THE COURT: Good morning.

MR. ROSENBLATT: Good morning, your Honor. Jon Rosenblatt from the Office of the Illinois Attorney General on behalf of defendants.

THE COURT: Okay. Good morning.

All right. The Committee wants to take three depositions. And the issues are timeliness and relevance.

MR. BRUCE: Timeliness, relevancy, and prejudice, your Honor.

THE COURT: And prejudice. Okay.

Well, let's start with the movants.

MR. BRUCE: Certainly. Briefly, your Honor, we had -- you had issued an order originally, or the panel had, on October -- that all fact discovery was required to be done. In fact oral depositions by October 5th. That was then extended by your order, and that was extended to October 19th.

Now taking a step back, the plaintiffs, we asked them who they were going to call at trial, and they identified 28 witnesses. And, you know, to be honest, Judge, we have been very diligently trying to depose all those people.

I have tried to understand from the plaintiffs who they are going to call at trial. Some of those people they have said they are going to withdraw. And we have taken -- and I listed all -- a number of those depositions that we have taken.

Three of them, due to the plaintiffs's own schedules, couldn't get scheduled within that time period. And for those three as -- out of professional courtesy for the plaintiffs, we said, fine, we'll take those beyond the 19th date.

We at no time ever said we would be willing to get new witnesses which have never been identified. Congressman Jackson, Mayor Larry Morrissey, and Congress -- Former Congressman Lipinski have never at any time been identified in their answers to interrogatories as trial witnesses.

And your order required them to answer interrogatories by September 17th, and they did. They have never amended that. They, to my knowledge, as they stand here today, they have identified these people as witnesses at trial.

Now with that in mind, we are trying to get all these done by the 19th. We had Congressman Costello's deposition yesterday at -- the end of it.

And on Friday afternoon we get word from plaintiffs's counsel for the first time that they want to take Larry Morrissey's deposition in Rockford. For the first time they want to take the deposition of Congressman Jackson. And they want to take Congressman -- Former Congressman Lipinski's deposition. We hear about that on Monday, keeping in mind the deadline that this Court has already extended once, ends on Wednesday.

All of the dates that they are suggesting are far beyond the date that you have ordered, your Honor. And they are doing this without leave of Court. They are totally doing this in violation of court order. And nothing in their response in any way provides a rationale for that.

I want to get to that timeliness issue. On the timeliness issue, from what I read of their response, they are saying -- and I think this is very telling -- they are saying these people's names just came up in the discovery deposition transcripts and, therefore, we just found about them. And they just came up in the deps, and now we want to take their depositions.

I have two responses to that, Judge, because I have taken every one of their -- plaintiffs's United States congressmen's depositions where these names -- where they want to talk about came up.

First of all, they came up in their own clients's depositions. They claim that this is not something where I am putting forth a witness, and they take Mr. Smith's deposition and they heard about Mrs. Jones. This is not the fact pattern. These are their witnesses, their clients.

And, shockingly, what we're finding out in this case is Mayer Brown was hired in this case before the map was even passed. That's what Congressman Shimkus told me. Long before -- Congressman Shimkus is the one that first raised in the discovery depositions Congressman Lipinski's name. But he -- he -- they were -- Congressman Shimkus knew back in April when this all came up in April. If they -- they knew about him.

So it isn't -- that's a complete red herring to say, oh, well, they came up in our own clients's deps, and now we want to violate the Court's order without leave of Court when we want to take this man's deposition.

Now with respect to Larry Morrissey's, there is -- I looked last night before coming over here. There is a June 5th Rockford Register Star front page article in the Rockford Register Star where Larry Morrissey, who is the mayor of Rockford, is in the same article as their client Don Manzullo, Congressman Don Manzullo. And he is expressing whatever his opinions are, as if it matters, respectfully, whether Mayor Morrissey, who has nothing to do with drawing a map. Whatever Mayor Morrissey -- but it is in there on June 5th.

And Congressman Manzullo in his dep, you know, Morrissey's name has come up, and Congressman Manzullo said, I talked to Larry Morrissey right after -- he is outraged -- right after the map came out, which is consistent with the June 5th -- you know, they know about these people, Judge, for months -- months, literally, months before we even started fact -- written discovery.

Now with respect to Congressman Jackson, he has been very vocal. First of all, his name has come up, as they point out in their response, and all of their clients's depositions, his name has come up, your Honor. Again, that's knowledge that they had long before the map came up.

But more importantly, they are citing newspaper articles from -- of Congressman Jackson from September, from September. So why am I hearing now on, you know, three business days -- Friday afternoon is when they say they are going to -- they want Jackson. They are not identifying him as a witness. They are saying, we want to go and take his deposition on very short -- Friday, Monday, Tuesday, Wednesday -- so three business days before your deadline expires when they -- whey they are saying in the response, our reasoning is we knew about it in September.

Your Honor, we're trying --

THE COURT: You have got about two more minutes.

MR. BRUCE: Okay. So that's the issue on timeliness.

THE COURT: Hold on a second.

THE CLERK: If he could just slow down because --

THE COURT: Oh, right.

Can you keep up with him?

THE CLERK: I can't even --

MR. BRUCE: I was trying to hurry up. I know you have got a courtroom full of people.

MS. LIGHTFOOT: Ms. Warren is very able.

MR. BRUCE: So with respect to prejudice, with respect to the relevancy, your Honor, I don't think we need to go there. I think we win hands down on timeliness.

But on -- in terms of relevancy, this Court has recognized, and I started -- and I -- that a lot of this is decided on expert discovery. And when this came up the last time, Ms. Lightfoot identified, you know, some of these people may talk about the -- how they actually intend -- you know, they are actually the map drawers. None of these people are the actual map drawers, but I don't think we need to go there.

And then, lastly, and I think importantly, is prejudice. Your Honor, if they are allowed to go and take this, when does it end? Okay? Do I then get the opportunity to listen to what these people have to say, and then -- for example, what if Congressman Jackson says something that we want to refute or contend with? Do I then call named -- Congressman Davis and go and take Congressman Danny Davis's?

And what -- you know, what about, you know, Tim Johnson, Representative Tim Johnson? I'd want to go and take his.

I mean, this just goes on and on and on. That's why we have deadlines, and that's why we have been trying to comply.

And, lastly, and I think this is important, and we would also, I would submit, and I put this in my papers, we may or may not, depending on what they say, submit that to the experts in this case. And our main expert is going as soon as we walk out of this courtroom. And so -- and we have got to submit that. And then they -- then they are going to say, we want to go take the dep. And then we -- and why is it relevant?

And so, lastly, your Honor, and this is an issue that I saw at the end of their response, which I thought was kind of shocking and -- I'll finish with this. They seem to be suggesting in their papers that by now throwing out subpoenas in violation of this court order, that that is in some way a supplement to their answers to interrogatories which were due by court order on September 17th, and that now they are going to call these people at trial. Should you grant my motion, they are going to call them as trial witnesses even though they have never told me that they are trial witnesses. And I can't depose them.

I mean, so that seems to be suggesting they're, again, asking this Court to -- I mean, they are willy-nilly violating your court orders. I mean, that's shocking.

So I would suggest, your Honor, and we would respectfully request, that we stop the oral fact discovery, with the exception of ones -- and I'm not -- I did say that I don't have a problem with taking these people because, you know, we're trying to work together and get them done. These people can't -- these other ones I never said at any time unidentified people who have never been identified we're going to go on.

So that's -- thank you, your Honor.

THE COURT: All right, Ms. Lightfoot.

MS. LIGHTFOOT: Very briefly, your Honor. Here the practical issue is this. One, I want to address a couple points that Mr. Bruce, I think, got wrong.

One is if you look at the scheduling order, the time in which trial witnesses have to be identified is November 7th. What they did is they served us with typical discovery saying, who do you know who has information about it? And we answered it whenever we answered it.

We have supplemented it. And I suspect we will probably supplement it again. We have a continuing obligation to do so.

But the truth is the real date when people make decisions as to when they are going to have witnesses for trial is November 7th, which is the date in which the pretrial order is due.

We're sill sorting through a lot of different information. And I don't think the scheduling order -- and, frankly, in 20-plus years of practicing in front of this Court, I don't think that the -- a schedule of -- interrogatories or discovery that's served ahead of time says that three, four months out from when your trial is, do you have to identify every single witness that you're going to possibly call at trial, particularly when you don't know that.

The issue that they --

THE COURT: Okay. Well, tell me how important it is that you get these witnesses.

MS. LIGHTFOOT: Well, I mean, here is the practical issue, your Honor. We could have simply gotten affidavits from these witnesses and attached them to our permanent injunction motion, and then we would have heard a similar kind of hue and cry about prejudice, surprise, oh, my God, this is terrible, they should be stricken.

We thought the better course, frankly, because we generally actually have been getting along fairly well, was to notice them up, give everybody an opportunity to ask whatever questions that they wanted, and then proceed that way, rather than simply affixing a detailed affidavit from a witness that neither side had previously deposed.

And if they want it that way, we can have it that way. But it didn't seem to make practical sense for us because, frankly, we anticipated a bunch of motion practice about that.

But to your issue of how important are they, let me run through this. Number one, with respect to Mayor Morrissey -- and also let me just preface this by saying this: These are three -- two current and one former elected official. Frankly, we were giving some deference and respect to them. We didn't want to -- yeah, we -- Congressman Lipinski's name had surfaced before, but we felt like because we anticipated getting a motion like this, we wanted to have a good faith basis before we, frankly, called him in and wasted his time.

So once we got the deposition testimony, the last of which was on October 10th, I made arrangements to talk to Congressman Lipinski to understand what he would say and made the determination at that point that we would in fact depose him.

And then we were going back and forth with him as a courtesy to figure out if there is a convenient time. He said, I don't want a subpoena, just let me know if you want me, and I'll show up whenever. That's what we did.

The next -- and then we traded phone calls back and forth last week. I finally got a hold of him again on Monday. He tells me Mike Kasper, one of the lawyers for the defendants in this case, would actually be handling things for him.

So I promptly sent an email to Mr. Kasper and --

THE COURT: You put that in your motion. But really I'm focused on proof in the case --

MS. LIGHTFOOT: So -- understood.

THE COURT: For example, Jesse Jackson has been vocal in opposition to this map, but he didn't have -- he didn't draw the map.

MS. LIGHTFOOT: Well --

THE COURT: Every congressman has a political opinion about it.

MS. LIGHTFOOT: Sure. But I believe, your Honor, if you looked carefully at what he has said, and we have, and obviously in talking to our clients what we understand is that Congressman Jackson actually was involved in aspects of drawing this map.

And I'm mindful of the Court's order regarding the motion to compel where it said, if there are irregularities in the way in which the map was drawn -- and I'm paraphrasing obviously -- that that's relevant.

We believe that Congressman Jackson will provide us with information about the manner in which the process was deviated from the norm that go to this issue of irregularity.

With respect to Congressman Morrissey, I believe he will testify about the community of interest issue, which we did identify in our complaint, and how it is that Rockford is now divided literally in half between two separate congressional districts. And the minority population of Rockford now is going to be in -- under the adopted plan going to be on the map --

THE COURT: Now let's talk about Lipinski.

MS. LIGHTFOOT: And I think Lipinski definitely goes directly to the issue of intent. As your Honor knows, we have alleged in our complaint with respect to Congressional District 3 in the adopted plan, if that was drawn in a way to benefit a white incumbent. The white incumbent is Congressman Lipinski's son.

The information has come out through the depositions, and other information that we have gathered, is that Congress- -- Former Congressman Lipinski was intimately involved in figuring out what the actual parameters of that district would be.

THE COURT: Okay. But how does it affect the Hispanics? Because we all know that that's what it is all about is for clarification of --

MS. LIGHTFOOT: If affects the Hispanics because, as we allege in our complaint, and as we allege in our preliminary injunction, and we allege in our permanent injunction motion, if you look at the changes between Congressional District 3, which is on the southern part of the earmuff, and Congressional

District 5, which is in the northern part of the earmuff, what was done in constructing the new Congressional District 4 of the earmuff was to excise significant portions of the Hispanic population from CD-3 on the south and to super pack them into CD-4. Same was done with the Hispanic population on the north in CD-5.

And we believe not only were they done to pack more Hispanics into CD-4, but also to take out Hispanic population from CD-3 and CD-5. And particularly --

THE COURT: Do you have any reason to believe that there would have been a more likely -- a greater likelihood that Hispanic -- a second Hispanic congressman or woman would have been elected in spite of all that?

MS. LIGHTFOOT: Well --

THE COURT: Is that what you are trying to prove?

MS. LIGHTFOOT: Two things though.

THE COURT: Could have been, not would have been.

MS. LIGHTFOOT: What we believe, frankly, your Honor, is if you look at the natural population growth in the city and the county, in the area that CD-3 covered, that the -- and unpacking the earmuff, it absolutely would have been close to a majority or a majority Hispanic district.

Frankly, the alternative CD-3 that we had drawn in our map covers exactly that territory.

THE COURT: Okay. This is my assessment after hearing you and basically what I felt after reading. I do think it is untimely. But in light of your -- you know, your really close or tight schedule here, you know, that's a factor. But I would be willing to grant you the two depositions of Mayor Morrissey and Lipinski.

But as for Jesse Jackson and what -- what you are saying in your papers is that he has been very vocal about this, when now you're saying that he had something to do with it. But I don't think that -- you know, that's not going to be -- it is pretty tangential. We have -- remember we have two days for this hearing.

MS. LIGHTFOOT: Understood, your Honor.

THE COURT: So --

MS. LIGHTFOOT: Well, your motion --

MR. BRUCE: And the --

THE COURT: Your motion is granted as to two, and denied as to Congressman Jackson.

MS. LIGHTFOOT: Actually it would be opposite -- the other way --

MR. BRUCE: I just --

MS. LIGHTFOOT: -- around, your Honor.

THE COURT: Sorry?

MS. LIGHTFOOT: It is their motion to quash --

THE COURT: Oh, right. Right.

MR. BRUCE: Okay. Can I get a couple points of clarification? I just want to make sure Ms. Lightfoot and that -- the plaintiffs's team is not going to be doing this anymore. They are not issuing --

THE COURT: Okay.

MR. BRUCE: -- anymore subpoenas, and -- number one.

And, number two, is I want to be clear that -- something that she said really troubled me. I want to be clear that they are not going to be disclosing, either trying to throw subpoenas out for people that have not been identified in answers to interrogatories or they are coming up with new names of people, because that would be highly prejudicial.

THE COURT: Okay. The ground rule is that you can't -- you can't name new witnesses and just subpoena them for court without a deposition.

MS. LIGHTFOOT: Your Honor, you're going to --

THE COURT: Okay. We have to stop at some point because this is going to be a huge amount of material.

I have already told -- we have told you that we don't think these witnesses are going make a heck of a lot of difference. I mean, maybe we're wrong, but that's three judges who have talked about this and feel that way.

So, you know, you could go on and on and on on this, but --

MS. LIGHTFOOT: So you're -- in other words, you're going to -- you're telling us that if, for example, we have a witness that has given us information, that we are precluded from including an affidavit in our permanent injunction motion from that witness?

Your Honor, given that the scheduling order says that witnesses have to be disclosed by November 7th, that's the -- that's the --

THE COURT: Well --

MR. BRUCE: Your Honor --

MS. LIGHTFOOT: -- date that we have been operating under.

MR. ROSENBLATT: Your Honor, we asked in interrogatory for that information. If they had that information, they should have turned it over. And if they are going to now use a statement without allowing us any opportunity to do discovery on --

MR. BRUCE: Shocking.

THE COURT: I don't know what your -- I don't know what your plan was when you said disclose witnesses by November 7th. I would assume that -- I mean, typically that means you have already done the depositions and you have pared down who the people are that you're going call --

MR. BRUCE: Absolutely.

THE COURT: -- from the discovery you have had.

All right. I'm out of time, so --

MR. ROSENBLATT: Thank you, your Honor.

MR. BRUCE: Thank you, your Honor. We appreciate your time.

MS. LIGHTFOOT: Well, we'll come in on a motion and revisit this issue, your Honor.

THE COURT: All right.

(Which concluded the proceedings in the above-entitled matter.)

CERTIFICATE

I HEREBY CERTIFY that the foregoing is a true, correct and complete transcript of the proceedings had at the hearing of the aforementioned cause on the day and date hereof.

/s/Pamela S. Warren   October 21, 2011
Official Court Reporter   Date
United States District Court
8 Northern District of Illinois
Eastern Division

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COMMITTEE FOR A FAIR AND)
BALANCED MAP, JUDY BIGGERT,)
ROBERT J. DOLD, RANDY HULTGREN,)
ADAM KINZINGER, DONALD)
MANZULLO, PETER ROSKAM BOBBY)
SCHILLING, AARON SCHOCK, JOHN)
M. SHIMKUS, JOE WALSH, RALPH)
RANGEL, LOU SANDOVAL, LUIS)
SANABRIA, MICHELLE CABALLERO,)
EDMUND BREZINSKI, and LAURA)
WAXWEILER,)
)
Plaintiffs,)
)
vs.) No.
) 1:11-CV-050065
ILLINOIS STATE BOARD OF)
ELECTIONS, WILLIAM M.)
MCGUFFAGE, JESSE F. SMART,)
BRYAN A. SCHNEIDER, BETTY J.)
COFFRIN, HAROLD D. BYERS,)
JUDITH C. RICE, CHARLES W.)
SCHOLZ, and ERNEST L. GOWEN,)
)
Defendants.)

The deposition of CONGRESSMAN DONALD MANZULLO, called by the defendant for examination pursuant to notice and pursuant to the Rules of Civil Procedure for the United States District Courts pertaining to the taking of depositions, taken before Amy M. Spee, a notary public within and for the County of Cook and State of Illinois, at 70 West Madison Street, 55th Floor, Chicago, Illinois, on the 7th day of October 2011.

APPEARANCES:

MAYER BROWN, LLP, by
MS. LORI E. LIGHTFOOT
71 South Wacker Drive
Chicago, Illinois 60606-4673
(312) 701-8680
lightfoot@mayerbrown.com
for the plaintiffs;

POWER, ROGERS & SMITH, P.C., by
MR. DEVON C. BRUCE
70 West Madison Street
55th Floor
Chicago, Illinois 60602
(312) 236-9381
dbruce@prslaw.com
for the defendants.

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(Whereupon, Manzullo Deposition Group Exhibit No. 1 was marked for identification, as of this date.)

(Witness sworn.)

MR. BRUCE: Let the record reflect that this is the deposition of Congressman Donald Manzullo taken pursuant to the Federal Rules of Civil Procedure and continued by the parties.

CONGRESSMAN DONALD MANZULLO, called as a witness herein, having been first duly sworn, was examined and testified as follows:

EXAMINATION
BY
MR. BRUCE:

Q Congressman, could you please state your first and last name and spell your last name for the record.
A It's Donald; last name is spelled M-a-n-z-u-l-l-o.
Q Congressman Manzullo, I know you've got a legal background.
Had you taken a number of depositions over the years when you were in private practice?

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A Yes.
Q Okay. You know the ground rules upon how a deposition is conducted?
A Yes.
Q I'll just go right to your background.
And where do you currently reside?
A I live on a farm outside of Egan. That's between Byron and Leaf River in Ogle County.
Q And that's currently in what congressional district?
A It's always been in the 16th.
Q And do you have any plans on moving from that address anytime in the next year?
A No.
Q I saw today on your Web site -- your campaign Web site that you are or someone on your behalf is passing petitions or collecting petitions; is that true?
A Yes.
Q And can you explain that.
A Yeah. We were instructed by the Courts, when we had originally requested, that passing petitions be delayed until the final map was done, to pass petitions of the areas that are, quote, terminus

with the present congressional district and the Democratic map.
Q When you say "Democratic map," are you referring to the map that was passed by both Houses of the Illinois legislature and signed by the Governor?
A That's correct. So it's just in four counties we've been passing those.
Q I saw that Congressman Kinzinger is going to have an announcement tomorrow.
Did you -- I take it you're aware of that?
MS. LIGHTFOOT: Objection. Relevance.
BY MR. BRUCE:
Q Go ahead.
MS. LIGHTFOOT: You can --
THE WITNESS: May I answer?
MS. LIGHTFOOT: Yes.
THE WITNESS: Yeah, he's announcing that he's running -- he's announcing in LaSalle County only and saying that he's running for reelection, but he's waiting for the exact boundaries to be determined.
BY MR. BRUCE:
Q Okay. Have you read any public comments

that have been made by his spokesperson or his campaign that he's going to be running against you in the congressional district that --
A I didn't know that anybody had --
MS. LIGHTFOOT: Congressman, I'm going to caution you -- I know you're anxious to probably give your answer, but just give me a moment before you answer.
I'm going to object on relevance grounds and I apologize for interrupting you.
Go ahead, please.
THE WITNESS: Pardon?
BY MR. BRUCE:
Q Let me reask the question.
A Okay.
Q I'm just trying to find out if you're aware if anyone on Congressman Kinzinger's staff has made any comments to the press about Congressman Kinzinger running against you in the primary in the next congressional election?
MS. LIGHTFOOT: Objection. Relevance.
Go ahead.
THE WITNESS: His words are very careful as ours are. And that is, every Republican incumbent is

running for reelection, but we don't exactly know the boundaries that are involved.
BY MR. BRUCE:
Q Are you going to run for reelection?
A Yes.
Q In what district?
MS. LIGHTFOOT: Objection.
Go ahead. You can go ahead.
THE WITNESS: I'm running in the area where I've always lived, that's the 16th District.
BY MR. BRUCE:
Q Okay. If the map that was passed into law in Springfield passes and stands and is not changed by the Courts, which congressional district would you run in?
MS. LIGHTFOOT: Objection. Calls for speculation.
Go ahead.
THE WITNESS: You mean the number?
BY MR. BRUCE:
Q Yes.
A The 16th.
Q Okay. And is it your understanding that Congressman Kinzinger is announcing tomorrow that he

is running in the 16th Congressional District that was passed in Springfield in the event that there is no change in the map that was passed into law?
MS. LIGHTFOOT: Objection. Form. Relevance.
THE WITNESS: I don't know what he's going to say.
BY MR. BRUCE:
Q Okay. Have you spoken to him about it?
A No.
MS. LIGHTFOOT: Objection. Relevance.
BY MR. BRUCE:
Q In your legal practice, did you have any dealings in the redistricting process when you were a practicing attorney?
A No.
Q And forgive me, Congressman, I forget your elected official background.
Were you in the state legislature at some point in time?
A The first office I ever held is that of a U.S. congressman.
Q And what documents did you review to prepare for your deposition?
A What documents?

Q Yes, sir.
MS. LIGHTFOOT: Objection. Foundation. Relevance.
THE WITNESS: Well, the complaint.
BY MR. BRUCE:
Q Okay.
A The motion for preliminary injunction and the maps, of course.
Q Anything else?
A I don't -- no, no other documents. I don't know of any other documents.
Q Congressman, with respect to the map redistricting process that ensued in Springfield, during that process, did you speak to any Illinois state legislators about the redistricting process?
MS. LIGHTFOOT: Objection. Form. Time frame.
THE WITNESS: No.
BY MR. BRUCE:
Q You never spoke to any state legislators about the map process; is that correct?
A That's correct.
Q Did you ever at any time speak to Illinois -- any Illinois state legislative staff members about the redistricting process?

A No.
Q Did you ever speak to any Democratic United States congressman about the redistricting here in Illinois?
MS. LIGHTFOOT: Objection. Form.
THE WITNESS: Well, we were all talking on the floor.
BY MR. BRUCE:
Q Okay. What I'm asking you for is any specific recollection of a specific conversation that you had with any Democratic United States congressman or congresswoman.
A I mean, everybody's upset with this map and we all talk to each other about how bad it is.
Q Did you talk to any Democratic United States congressmen or congresswomen that said how bad it was?
A I probably did, but I can't give you time and place.
Q Could you tell me the name of any of the Democratic U.S. congressmen or congresswomen that you spoke to that said it was a bad map?
A Yeah, I probably spoke to all of them. I mean, we -- this is a close Illinois delegation.

We're always talking about maps.
Q Okay. I'm asking you more kind of a specific question.
I'm simply trying to ascertain, can you tell me the names of any Democratic United States congressmen or congresswomen who have told you that the map was bad or made any comment about the map?
MS. LIGHTFOOT: Objection. Form.
BY MR. BRUCE:
Q Any Democrats.
MS. LIGHTFOOT: Objection. Form.
THE WITNESS: You mean, have talked to me personally about it?
BY MR. BRUCE:
Q Yes, sir.
A I -- I mean, I can't remember specifically. It's just --
Q That's fine.
MS. LIGHTFOOT: I think what he's asking you is not at this point do you remember any specific conversations. I think what he's just simply asking you is, do you remember actually having such a conversation with any Democrat in Congress about the Illinois redistricting process.

So he'll get to asking you if --
THE WITNESS: Well, in particular is Jerry Costello.
BY MR. BRUCE:
Q Jerry --
A He's --
Q Go ahead.
A Well, he's not been satisfied with the whole process at all.
Q Okay.
A He said the whole thing was unfair and Republicans were shut out. Maybe not in those terms, but he -- I mean, I specifically recall that conversation. He does not like the process, doesn't like the map.
Q When did that conversation take place?
A It was before the official map came out, which was Memorial Day weekend. That's when the state legislature passed.
Q And was that a conversation you had in person or over the phone?
A No, it would be in person.
Q Where?
A Probably on the floor of the House.

Q You're couching your answers "probably."
Do you have a recollection of the conversation?
A I do.
Q Okay. So --
A I do.
Q -- who was a participant to that conversation?
A It was Jerry Costello and I, obviously. I don't know who else was around. And it was in that -- just in the spring, that's about the best I can say, and it was on the floor of the House.
Q And have you told me everything that you can recall about that conversation?
A Jerry did not like the way it was proceeding. I mean, I can't give you what he specifically said. And he just -- he just did not like the way things were going.
Q You don't remember the exact words he used; is that correct?
A Well, he was upset; but I can't -- I can't give you the exact words, just the paraphrase of it.
Q Is that the only conversation that you had with any Democratic congressman or congresswoman

about the map that you can recall?
A It's -- you know, when you're on the floor of the House and you watch C-SPAN, everybody's talking, well, that's -- that's where the conversations take place and you have snippets of conversations with various members of the delegation.
And, obviously, you know, we've talked about the map in general; but I don't know of anybody who's been more -- more particular and more upset than Jerry Costello.
Q All right. So as you sit here today, that's the one specific conversation that you can recall?
A I think that's correct.
Q All right. Any others come to mind before I move on from this topic?
A I don't -- I don't think so.
Q Okay. Congressman, did you take any role in the drawing of the map that was passed into law in Springfield?
A No, we were all shut out.
Q Okay. Do you know who drew the map?
A The Democrats did.
Q Do you know -- I didn't ask you a partisan

circumstance.
I'm asking you --
MS. LIGHTFOOT: It's a fair response to the question.
MR. BRUCE: I think that's Ms. Lightfoot's stab at levity.
BY MR. BRUCE:
Q Congressman --
MS. LIGHTFOOT: Indeed.
BY MR. BRUCE:
Q Congressman, I'm trying to ascertain from you, do you know the names of the individuals that actually drew the lines on the map?
A No.
Q Do you know the intent of any of the unidentified people who drew the lines on the map?
MS. LIGHTFOOT: I'm going to object to the form of the question to the extent that it calls for the witness to render a legal opinion about intent.
But you may answer.
THE WITNESS: I don't know who these people are and I -- and how can I ask a question as to what their intent is?

BY MR. BRUCE:
Q Is it fair to say --
A Because the intent is obvious, and that's to redraft the districts to the point where five or six members of -- Republican members of the House would have very difficult districts.
Q The opinion you have just expressed is based upon a review of the map that was passed?
A Yeah.
Q Okay. In terms of any firsthand knowledge about what the intent or the factors were that the map drawers knew, is it fair to say you don't have any firsthand knowledge of that?
A I have no first- --
MS. LIGHTFOOT: Just a minute.
THE WITNESS: I'm sorry.
MS. LIGHTFOOT: Object to the form and to the extent that it calls for the witness to render a legal opinion.
THE WITNESS: I have no firsthand knowledge because we were never consulted, the Republicans were never consulted.
BY MR. BRUCE:
Q Has anyone ever told you at any time that

the congressional district lines in any congressional district in Illinois were drawn to intentionally discriminate against Latinos?
MS. LIGHTFOOT: And, Congressman, let me just caution you. To the extent that you can answer that question on the basis of your own independent knowledge, feel free to do so; but if the only basis of your knowledge is information that was shared in the context of a privileged communication, then I'm going to ask you not to answer. But...
THE WITNESS: I can give firsthand knowledge. I was born and raised in Rockford. I'm 67 years old. The way the map was drawn divides and segregates the white community in Rockford from the Latinos, the African-Americans, the Thais, the Vietnamese, the Cambodians and the Burmese by roughly going down the Rock River on the West Side and then reaching into the East Side and purposely grabbing those areas where Latinos and Africans live.
BY MR. BRUCE:
Q Do you have any other independent knowledge that --
A I have firsthand knowledge. I know where the people live. I know the black areas. I know

Latino areas. I know where the Asians live. And the map divides and segregates those minorities from the whites in Rockford.
Q Are you finished with your answer?
A Pardon?
Q Are you finished with your answer?
A I don't know what more you want except it's -- it's bad.
Q Okay.
A I -- I've lived there all my life. Rockford has come through a horrible lawsuit based on racial discrimination of the schools. And West High School was closed and the school district has been under desegregation order for a long time. And what this map does, it deprives me of having the opportunity to represent these minorities which we have for 18 years.
Our biggest casework is immigration. And we work with hundreds of families, the Asian families that come in, the Latino families. And Rockford is -- it's one city. The people on the -- the Caucasians on the -- the Caucasians that live on the East Side of the city work very closely with the minorities in order to resurrect the city that leads

the nation in unemployment.
And for our office to tell all these people with whom we've worked for 18 years that we can't help them in their housing problems, in their poverty problems, in their immigration problems, that's nothing less than cruel to them because you cannot separate that community just as you can't separate a family, especially Rockford that has had so many problems.
And that's what's so upsetting about the way that map is drawn. It makes the minorities on the West Side of Rockford nothing but an appendage to a new district that's formed to the west. And a member of Congress is forbidden by law to represent people who are not in its congressional district. And I would have to ignore those people and they can't take that.
MR. BRUCE: Move to strike.
BY MR. BRUCE:
Q Congressman, the two congressional districts that were passed into law in Springfield, as I understand it, it's your claim that Rockford is divided into two different congressional districts; is that true?

A It's not my claim. That's what the map shows.
Q My statement is true?
A Your statement is true. It is divided into two congressional districts, that's correct.
Q Okay. And that's --
A And it's never been divided since 1850.
MR. BRUCE: Move to strike.
BY MR. BRUCE:
Q Congressman, the two congressional districts that were passed into law that Rockford was divided into is the 16th and 17th Congressional Districts; is that correct?
A That's correct.
Q All right. And tell me, what is the Latino voting age population in the newly passed 16th Congressional District?
A Probably --
MS. LIGHTFOOT: Object --
THE WITNESS: Sorry.
MS. LIGHTFOOT: Object to the form.
Go ahead.
THE WITNESS: I can't tell you that, but the Latinos live in the appendage of Rockford that's at

the tip of the 17th District.
BY MR. BRUCE:
Q Okay. And I'm going to ask you that question next.
But for purposes of the newly passed 16th Congressional District, as you sit here today --
MS. LIGHTFOOT: Are you talking about 16th or 17th?
THE WITNESS: There is a map that shows what percentage of Latinos are in there. There's a demographic breakdown, but I don't have that here.
BY MR. BRUCE:
Q Okay. Let's just --
MS. LIGHTFOOT: Counsel will provide that to you.
BY MR. BRUCE:
Q Okay. I think we're all getting far afield. And we just -- if you can just listen to my question, we'll get through here faster.
I am talking about the congressional district map that was passed into law in Springfield.
And do you have that in front of you marked --
A Yes, I do.

Q -- as Exhibit 2?
A I do.
Q My question before we got off on a side note was, I'm trying to understand from you, do you have any knowledge as you sit here today as to what the Latino voting age population is in the 16th Congressional District?
A You mean the whole new one?
Q Yes, Congressman.
A No, but I could tell you what it is in Rockford.
Q Okay.
A All the Latinos were put into the 17th District.
MR. BRUCE: Move to strike.
BY MR. BRUCE:
Q I'm asking you -- just listen to my question I'm asking.
MS. LIGHTFOOT: Mr. Bruce, I think he's trying to answer your question.
MR. BRUCE: No, he's not.
MS. LIGHTFOOT: Well, let me just finish, please.
He's trying to answer your questions

as best as possible. You clearly don't like his answer which you moved to strike, but Congressman Manzullo is answering the questions that you are asking to the best of his ability.
MR. BRUCE: Okay. His answer are nonresponsive.
MS. LIGHTFOOT: I disagree with that.
MR. BRUCE: I understand that you do, but we will get an answer to the question that I asked or we'll be here all afternoon.
MS. LIGHTFOOT: Well, we may be here all afternoon if you're going to try to mischaracterize and to try to bully him into giving you an answer that you want --
MR. BRUCE: Okay.
MS. LIGHTFOOT: -- as opposed to an answer that he has honestly and straightforward given to you.
MR. BRUCE: Okay.
BY MR. BRUCE:
Q Congressman, am I correct that as you sit here today, you don't know what the Latino voting age population is in the newly passed 16th Congressional District?
MS. LIGHTFOOT: Objection. Form.

THE WITNESS: All I could tell you is there are Latinos that live in Belvidere in Boone County, but nowhere near the number that live in the Rockford area. And the rest of the area is all farmland and so you don't find a heavy Latino population in farmland.
BY MR. BRUCE:
Q Do you have any knowledge as to the percentages of the 16th Congressional District as to the Latino voting age population?
A It's -- it was attached as an exhibit to the fair map that's part of the motion for preliminary injunction.
Q Okay.
A It's a demographic breakdown in there -- I think that's where it is -- but I couldn't recite to you what those figures are.
Q All right. As you sit here today, do you know what the Latino voting age population percentage is in the newly passed 17th Congressional District?
A No.
Q Okay. Now --
A But that's also in that appendage -- or not appendage, attachment.

Q Other than -- and -- strike that.
Do you -- do you know what the Latino voting age population percentage is currently in your 16th Congressional District that you represent?
A It's on that exhibit. I mean, I can't sit here and give you the exact figure. I don't know that.
Q Okay. Is the exhibit --
A I think that's it.
Q Okay. Why don't we take a look at the exhibit that you're referring to.
Is that Exhibit E? And that shows the demographic data of the Republican map that's being proffered?
MS. LIGHTFOOT: I'm sorry. Which one? Which exhibit are you referring to, Counsel?
MR. BRUCE: The one he identified, which is Exhibit E.
MS. LIGHTFOOT: Could you tell me the tab.
MR. BRUCE: It's 4.
MS. LIGHTFOOT: I don't have an E. All right. So Tab 4.
BY MR. BRUCE:
Q Congressman, Exhibit E, which is on Tab 4

of the exhibits that we have in of front of you, is that the demographic information that you're referring to?
A No. You were talking about the demographic breakdown as to the present 16th.
Q Yes.
A And I had made the mistake that I thought that that was included on this exhibit, which it's not.
Q That's correct.
A Yeah.
Q So as you sit here today, do you know what the Latino voting age population percentage is in your current district?
A No, I don't.
Q Okay. And I don't want you to guess.
A Okay.
Q Would you have any estimate? Is it 5 percent? Is it 50 percent? Is it 30 percent? Or do you have any idea?
A I don't know.
MS. LIGHTFOOT: Don't guess. With any question, don't guess.

BY MR. BRUCE:
Q And with respect to your current 16th Congressional District, is it your opinion that your current 16th Congressional District is not a majority Latino voting age population district?
A That's correct.
Q And does your 16th Congressional District divide Rockford?
A Yes.
You mean presently?
Q Yes, sir.
A No. No.
Q Okay. Now, I think we -- I had asked you if you had any independent or firsthand knowledge that the congressional map that was passed intentionally discriminated against Latinos.
Do you remember that question that I asked?
MS. LIGHTFOOT: He's just asking if you remember that he asked you this before.
THE WITNESS: Oh, I think so, you asked that question.
BY MR. BRUCE:
Q I did. And you provided me an answer and

described in some detail your thoughts about the division of Rockford geographically and the separation --
A It intentionally divides and segregates Rockford.
Q Okay. Other than what you --
MS. LIGHTFOOT: Sir, I don't know that he was finished with his answer.
BY MR. BRUCE:
Q Were you finished with your answer?
A No. You can take a look at Rock- -- I mean, I -- I was born and raised there and I know where the people live. All the African-Americans, all the Latinos, the people from Burma, Vietnam, Cambodia and Laos are all put together and extracted out of the city -- out of the city of Rockford, separated from the white people with the map that the General Assembly adopted.
They have intentionally done that. If you look at the map, it's the pockets of where those people live. The city has been shredded. In fact, if you look at the appendage, the finger that goes out in the new 16th on the East Side -- I'm referring to this finger here.

MS. LIGHTFOOT: Let the record reflect that he's referring to a map that is Exhibit 2 to this deposition.
THE WITNESS: The appendage that goes out, that goes out and it purposely brings in what minority areas there are in the city of Rockford on the East Side and it brings them all the way over to the West Side. So it splits Rockford and segregates it.
BY MR. BRUCE:
Q And you never spoke to any of the people that drew the map as to why those lines were drawn; is that true?
A I wish I had the opportunity, but no one asked.
Q Okay. So you did not speak to them?
A That's correct.
Q Okay. Now, did anyone ever tell you that the reason why the lines are being drawn the way they were was to discriminate against minorities?
A No one had --
MS. LIGHTFOOT: Congressman, I just want to caution you that Mr. Bruce is, I don't believe, asking you for any privileged communications that you might have engaged in with counsel.

BY MR. BRUCE:
Q You can answer the question, Congressman.
A You're saying did anyone individually -- did any Democrat or anybody who drew the map say that they purposely discriminated against the minorities in Rockford, the answer is "no."
Q Now, you say you were shut out of the process?
A That's correct.
Q Did you ever go to any of the Redistricting Committee hearings?
A There weren't that many and it was late.
Q No, that's not my question.
MR. BRUCE: Can I have my question back?
MS. LIGHTFOOT: That's his answer.
MR. BRUCE: No.
THE WITNESS: The answer is "no."
BY MR. BRUCE:
Q Okay. That's the answer to the question.
You never went to any --
A That's correct.
Q -- Illinois Redistricting Committee hearings, true?
A That's correct.

Q All right. And did you ever even attempt to do so?
MS. LIGHTFOOT: Object to the form.
THE WITNESS: No.
BY MR. BRUCE:
Q Okay. Sir, did you ever at any time send anyone on your behalf to express your concerns or your complaints or your suggestions about how the congressional map should look like?
A We had no idea what the map would look like and it came out just a few hours before it was voted on.
How could you comment on something that you can't see?
MR. BRUCE: Can I have my question --
THE WITNESS: I had no idea that this would ever happen to my district. It's always been up against the Mississippi River, always gone western to the -- always gone to the east. And Rockford has never been divided. I had no idea, no inclination anybody would be that cruel and divide that city.
BY MR. BRUCE:
Q Have you ever spoken to the mayor of Rockford about what --

A Yes.
Q And what has the mayor of Rockford --
A He is absolutely upset over this. He's outraged.
Q So Mayor Morrissey --
A Mayor Morrissey is outraged over it because he knows the work that I have done for that city.
Q When did Mr. -- Mayor Morrissey tell you that he was outraged about the division of Rockford into two Congressional districts?
A Well, it would have been after the map came out. I can't tell you when and where, but I did personally talk to him. He was very upset over it.
Q Tell me his exact words.
A I can't remember his exact words --
Q Okay.
A -- but he was outraged over it. He was very upset. And so is Scott Christiansen, who is the chairman of the Illinois County Board.
Q Now, I think we digressed.
I simply asked you, did you ever send anyone on your behalf to any of the Redistricting Committee hearings?
MS. LIGHTFOOT: And that's been asked and

answered.
BY MR. BRUCE:
Q Go ahead. You can answer, Congressman.
A No.
Q Okay. And when did you first retain counsel to represent you in the redistricting process?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I don't know.
BY MR. BRUCE:
Q Well, was it before or after the map was passed?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I think it was before, but...
BY MR. BRUCE:
Q Okay. Do you remember what month it was that you hired --
A I don't know.
MS. LIGHTFOOT: Objection. Relevance.
BY MR. BRUCE:
Q And which lawyers did you hire?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I mean, I didn't negotiate -- I didn't talk to the lawyers. There were other members

of the delegation that did that. I think it was John Shimkus -- but I don't know -- because he was sort of leading the effort on it.
BY MR. BRUCE:
Q Okay. And that was done before the map was passed, but you don't know when --
MS. LIGHTFOOT: Object- --
BY MR. BRUCE:
Q -- you said it's your best recollection?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I really don't know if it was before or after. I just don't know.
BY MR. BRUCE:
Q Can you tell me whether or not there were any Republican legislators that were members of the State Senate or State House Redistricting Committees?
A I don't know.
Q Okay. Did you ever make any inquiry to try and determine that?
A No.
Q Okay. Did you ever have anyone in your staff or yourself look on the Internet to determine whether or not there were any Web pages for the Illinois Senate or Illinois House Redistricting

Committees that would accept input as to how the map should be drawn?
A The map was drawn by the Democrats. We had no idea what the map would look like until it just -- until it was voted on by the General Assembly. We had no reference. It came out very -- it came out just before they voted on it.
I mean, how can you comment on something that you can't see? That's been the problem all along.
Q Congressman, can you answer my question, which is --
MS. LIGHTFOOT: I think he just did.
MR. BRUCE: No, he didn't.
MS. LIGHTFOOT: I think he did.
MR. BRUCE: I'll move to strike his answer.
BY MR. BRUCE:
Q I'm asking you, Congressman, did you ever go on the Internet and provide any input through the Internet on the state Redistricting Committee's Web sites as to how you think the map should be drawn?
MS. LIGHTFOOT: Objection. Form. Foundation. Assumes facts not in evidence.
THE WITNESS: I assumed it would be drawn

fairly. I guess I was wrong on that assumption.
BY MR. BRUCE:
Q Had you ever been through -- strike that.
You had not been through this redistricting process at any other time in any other role in your life, like as a state legislator or as an attorney or any other manner?
A Well, redistricted ten years ago, but that was an agreed-upon map.
Q Did you play any role in the redistricting process ten years ago?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: Yeah, because the -- both parties worked together to come up with a fair map.
BY MR. BRUCE:
Q And what was your involvement in the redistricting ten years ago?
A Well, we took the --
MS. LIGHTFOOT: The same objection.
Go ahead.
THE WITNESS: We took a look at the state of Illinois, saw it was ten and ten. And then there were the -- we'd lose one seat and the members of Congress, Denny Hastert had the lead and he worked

with, I think, Jerry Costello.
BY MR. BRUCE:
Q When you say "ten, ten," what are you referring to?
A Well, there were -- we used to have 20 members of Congress and ten years ago we lost -- we lost one back then, we dropped to 19.
We went from 20 districts to 19 districts in the -- in the -- in 2000.
Q I understand.
But when you said "ten, ten," are you referring to ten Democratic and ten Republican congressmen?
A That's correct.
Q So there was a division among partisan lines?
MS. LIGHTFOOT: Object to the form of the question.
BY MR. BRUCE:
Q Is that what you're telling me?
MS. LIGHTFOOT: Object to the form of the question.
THE WITNESS: A division among partisan lines?
You mean --

BY MR. BRUCE:
Q Well, you said that a map deal was made --
A Yes.
Q -- where there was ten Democrats and ten Republicans.
A That's correct.
MS. LIGHTFOOT: Object to the form of the question. Mischaracterizes his prior testimony.
It's not what you said.
MR. BRUCE: We'll read the record.
BY MR. BRUCE:
Q Sir, absent anything that your lawyers have told you, do you have any information about the demographics of the map that the Republican congressmen are proposing in this lawsuit?
A The only thing I can tell you is that communities were not divided and counties were kept intact as much as possible --
Q That --
A -- who drew --
Q I'm sorry. Go ahead.
A That was the whole purpose of the fair map.
Q Who drew the map being proffered by the Republican congressmen?

MS. LIGHTFOOT: And let me just caution you, if you know the answer to that question, if the answer is based upon information that was provided to you in the context of a privileged communication, I'm going to instruct you not to answer.
THE WITNESS: Do I know who drew the map?
BY MR. BRUCE:
Q Yes, sir.
A The Republicans drew the map.
Q I understand.
Can you tell me the names of the Republicans that drew the map?
MS. LIGHTFOOT: The same admonition.
THE WITNESS: I had --
MS. LIGHTFOOT: I think he's asking you if you know or you don't know.
MR. BRUCE: He's answering the question. Don't interrupt him.
BY MR. BRUCE:
Q Go ahead.
A Do I know the names of the people who drew the Republican map?
Q Yes.
A I presume they were Republican members of

Congress.
Q Do you know their names? Do you know who actually did it?
MS. LIGHTFOOT: The same admonition.
THE WITNESS: I don't know.
BY MR. BRUCE:
Q Okay. And in the Republican map that you're proffering in this lawsuit, if that map were to be passed --
A Mm-hmm.
Q -- would you have a better chance of winning reelection than in the map that was passed into law in Springfield?
MS. LIGHTFOOT: Object to the form. Relevance.
THE WITNESS: The fair map is more Democratic. That's -- the Republican alternative is more Democratic.
BY MR. BRUCE:
Q I think my question was, if the map that the Republicans are proffering in this lawsuit were to become law and that were the districts --
A Mm-hmm.
Q -- is it your understanding that you would have a better or worse chance of winning the 16th

Congressional District than the map that was passed into law in Springfield?
MS. LIGHTFOOT: Object to the form. Calls for speculation. Relevance.
THE WITNESS: I'm going to win in either district because I've represented most of that area for the past 18 years.
BY MR. BRUCE:
Q Okay. The Committee for a Fair and Balanced Map, do you know -- tell me, are you a member of that committee or do you know?
MS. LIGHTFOOT: What do you know? Are you a member of the Committee?
THE WITNESS: I don't think so.
BY MR. BRUCE:
Q Okay. And who is a member of the Committee?
A I think the named plaintiffs in this lawsuit. The complaint I think mentions who the people are.
MS. LIGHTFOOT: That's correct.
BY MR. BRUCE:
Q Okay. What I'm asking you is, in terms of the Committee, is it your understanding the members

of the Committee are the named plaintiffs on the lawsuit or some other different group of people?
A No, I think they're named plaintiffs.
Q Okay.
A And I think that's set forth in the complaint itself.
Q Have there been any meetings of the Committee?
MS. LIGHTFOOT: Object to the form. Foundation.
THE WITNESS: The only meetings have been with the other Republican members of Congress and our attorney.
MS. LIGHTFOOT: Listen to his question. He's asking you whether or not you have any knowledge as to whether or not the Committee has had any meetings.
THE WITNESS: I don't know.
BY MR. BRUCE:
Q All right. Have you been to any fundraisers for the Committee?
MS. LIGHTFOOT: Objection. Relevance.
You can answer.
THE WITNESS: Yes.

BY MR. BRUCE:
Q Okay. How many?
A One.
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: One.
BY MR. BRUCE:
Q Is that the one that Speaker Boehner was at?
A Yes.
Q Okay. And did you see a number of your Republican colleagues there?
MS. LIGHTFOOT: Objection. Relevance.
And I'm just going to have a standing objection as to questions about any fundraising on the part of the Committee.
MR. BRUCE: That's fine.
BY MR. BRUCE:
Q Go ahead, Congressman.
A Yeah, I think.
Do you want to know who they were?
Q If you can tell me.
A Randy Hultgren was there. I don't know if Joe Walsh was there. I think --
MS. LIGHTFOOT: He's just asking you to tell

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who you remember.
THE WITNESS: I think Peter Roskam was there, but I -- it was -- the House was really crowded and it was very difficult to tell exactly who was there.
BY MR. BRUCE:
Q Now, was there an invite -- was there an invitation to -- for people to come to that House, to that gathering?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: Yes.
BY MR. BRUCE:
Q And was your name on the invitation?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I don't know. I mean, I could check and get back -- I just -- I can't remember.
BY MR. BRUCE:
Q And where was --
A I think it was, but I don't remember.
Q Well, where would you check?
A I would have to look at the invitation.
Q All right. Would somebody have that in your office?
A Yes.
Q All right. Now, Congressman, am I correct

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in assuming that, to your knowledge, there were no Democratic-elected officials at this Fair and Balanced Map fundraiser?
MS. LIGHTFOOT: Object to the form. Calls for speculation in light of the witness' prior testimony.
THE WITNESS: I didn't know most of the people there. And so, therefore, it's kind of hard to tell if they're Republican or Democrat.
BY MR. BRUCE:
Q All right. Let me ask you a different question.
Can you tell the name of any Democratic-elected official that you saw there?
A I don't think any were there. I mean, I don't -- the answer is "no."
MS. LIGHTFOOT: So let me -- hold on one second.
(Whereupon, a discussion was had off the record.)
THE WITNESS: I don't know. I don't know if there were any Democratic office holders at that fundraiser.
MS. LIGHTFOOT: Mr. Bruce is not asking you to guess or speculate. He's asking you --

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THE WITNESS: Okay.
MS. LIGHTFOOT: -- what your present recollection is of whatever the --
THE WITNESS: Okay.
MS. LIGHTFOOT: -- question is.
THE WITNESS: Okay.
MS. LIGHTFOOT: So try to focus on that.
BY MR. BRUCE:
Q Absent any communications that you've had with your lawyers, am I correct you have not studied the Latino voting age population in any of the newly passed Congressional districts?
MS. LIGHTFOOT: Object to the form.
THE WITNESS: The exhibit gives the -- the exhibit to the Republican fair map gives the Latinos.
MS. LIGHTFOOT: Can we have that last question read back.
I think he was asking -- you weren't asking about the fair map, you were asking about the map that was passed?
BY MR. BRUCE:
Q I'm not asking about the Republican map. I'm asking about the map that was passed into law in Springfield.

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Do you want me to have her read it back?
A Could you do that?
Q Okay. Yeah.
(Whereupon, the record was read as requested.)
THE WITNESS: The answer is "no."
BY MR. BRUCE:
Q Did you ever see any draft maps for the Congressional district map that was passed into law in Springfield?
A No.
Q And if I understood your previous testimony, you, yourself, nor anybody on your behalf submitted a draft proposal to the Illinois Redistricting Committees?
A I don't know what other members were doing.
MS. LIGHTFOOT: He's just asking you what you did --
THE WITNESS: No, my staff -- no one acting on my behalf, including myself, ever submitted a map to the legislature.
BY MR. BRUCE:
Q And --

MS. LIGHTFOOT: Were you finished, Congressman?
THE WITNESS: I think -- yeah.
MS. LIGHTFOOT: Okay.
BY MR. BRUCE:
Q Yeah, I didn't think --
A Because I never had the opportunity to do so.
Q Well, did you ever pick up the phone and call any of the legislative leaders, Republican or Democrat, to speak to them about the map-making process?
A No, we were waiting for a draft of the map so we could study it. And we were denied an opportunity to see the map because it was -- it came out of the -- the map was drawn, and then the legislature voted on it within a few hours. So we never had a chance to look at it.
Q Did you ever ask anybody, Hey, can I see the map before it gets disseminated?
A Personally did I do that? No.
Q Okay. Have you made any public comments about your opinions about the Congressional district map that was passed into law?
A Yes.

Q Okay. And do you remember what you've said about that map that was passed into law in Springfield?
A Well, with regard to -- well, first of all, Rockford's -- I've said Rockford has never been divided since 1850. It's one unit.
Second of all, the 16th District has always hugged the Wisconsin and -- the Wisconsin border and the Mississippi and run straight west. It's always been generally a northwest district.
And, number three, I've been very vocal over the fact that it splits Rockford and it's cruel because the way it puts all the minorities into one web, extracts them from the city of Rockford, and then it divides and segregates the city.
Q Which minority community groups have you spoken to about this?
A That was --
MS. LIGHTFOOT: Object to the form.
BY MR. BRUCE:
Q Go ahead.
MS. LIGHTFOOT: Foundation. Assumes facts not in evidence.
THE WITNESS: I haven't spoken to any minority

groups.
BY MR. BRUCE:
Q Okay. Are you aware of any minority groups in Rockford that have voiced objections to the newly passed congressional map?
MS. LIGHTFOOT: Object to the form.
THE WITNESS: They don't --
MS. LIGHTFOOT: You're talking about groups as opposed to individuals, correct?
MR. BRUCE: Anybody.
THE WITNESS: They don't have a voice. They don't have groups that get organized and say, This map is fair or unfair. This is an area of intense poverty. People are struggling. They don't talk about Congressional maps.
BY MR. BRUCE:
Q So it's your testimony here today that there's no organized community groups for Hispanics or Latinos or African-Americans or any of the Asian groups you've identified; is that true?
A There is none because I've always represented them.
Q Okay.
A These have been my constituents.

Q So if I looked up in the phone book or on the Internet, I would not find any community groups in Rockford that represented any of those minority groups; is that true?
MS. LIGHTFOOT: Object to the form. Relevance. I think we're now very far afield.
THE WITNESS: I -- I don't know.
BY MR. BRUCE:
Q Okay. That's all the --
A I mean, you probably know better than I do.
Q I -- let me look at my notes. I believe those are all the questions I had, Congressman.
Other than anything that your lawyers have told you, have you now told me what little you know about how the map was passed into law in Springfield?
MS. LIGHTFOOT: Object to the form.
THE WITNESS: I don't know any more about how the map was drawn than what I've just mentioned to you during the course of this deposition.
BY MR. BRUCE:
Q Do you think that the map that was passed into law in Springfield is detrimental to Republican congressmen in Illinois?

A Well, yes.
Q And why do you believe that?
A Well, the way it's gerrymandered. I mean, it takes the 16th, it dumps a lot of Republicans into the new 16th. It extracts Republicans out of other areas to make them less Republican.
In fact, one of the stats I saw is the present D's, Democrats, represent about 80 percent of their constituents; and the Republicans represent about 30 percent of their constituents in the new map.
Q Are you talking about in just the 16th District?
A No, the entire state.
Q Okay. Can you explain what you mean by that.
A Well, yeah, it dilutes the Republican influence in most the Congressional districts. It packs Republicans into the new 16th. It --
MS. LIGHTFOOT: You have it upside down.
THE WITNESS: Yeah, in the new 16th -- I don't have the stat here, but the existing Democrat members end up representing about 75 to 80 percent of their present district -- districts. The existing

Republican members would end up representing about 30 to 34 percent of their existing constituents.
BY MR. BRUCE:
Q Is it your understanding that the newly passed Congressional district map will pit some Republican congressmen against others?
MS. LIGHTFOOT: Object to the form. Calls for speculation.
THE WITNESS: The 16th District got chopped into -- one, two, three, four -- four or five pieces. That's the district I've represented. It goes through four Congressional districts that I think -- four that are held by Republicans.
BY MR. BRUCE:
Q Are you aware of any incumbent Republican congressmen that have publicly announced that they're going to be running against some other Republican candidate?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: I -- people say stuff --
BY MR. BRUCE:
Q Sure.
A -- and I'm not going to try to interpret what the politicians say.

Q I understand.
Have you seen any announcements, Congressman, that Congressman Walsh was going to run against Congressman Hultgren?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: You will have to talk to those two.
BY MR. BRUCE:
Q Well, I mean, have you seen anything in the press about that?
MS. LIGHTFOOT: Objection. Relevance.
THE WITNESS: They're actually campaigning in a good part of the area that I presently represent, and that's most of McHenry County.
BY MR. BRUCE:
Q Do you have any idea as you sit here today as to who your general election opponent would be in the 16th Congressional District that was passed into Springfield, if that's the district you ultimately run in?
MS. LIGHTFOOT: Objection to form and relevance.
THE WITNESS: To who the Democrat would be? No.

BY MR. BRUCE:
Q Do you think -- well, strike that.
Am I correct in characterizing your opinion with respect to the newly passed Congressional district map that it was gerrymandered for political purposes?
MS. LIGHTFOOT: Objection to form.
THE WITNESS: I think that's a great and scholarly inclination.
MS. LIGHTFOOT: In addition to all the other testimony.
THE WITNESS: "Political" meaning racial, if that's what you mean by "political."
MR. BRUCE: Thank you, Congressman. That's all of the questions I have. Thank you for your time.
MS. LIGHTFOOT: We will reserve signature.
FURTHER DEPONENT SAITH NAUGHT. . .

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

COMMITTEE FOR A FAIR AND)
BALANCED MAP, et al.,)
)
Plaintiffs,)
)
vs.) No. 1:11-CV-050065
)
ILLINOIS STATE BOARD OF)
ELECTIONS, et al.,)
)
Defendants.)

This is to certify that I have read the transcript of my deposition taken on the 7th day of October 2011 in the foregoing cause, and that the foregoing transcript accurately states the questions asked and answers given by me, with the changes or corrections, if any, made on the Errata Sheet(s) attached hereto.

____
DONALD MANZULLO
Subscribed and sworn to
before me this _____ day
of _______________ 2011.

____
Notary Public

STATE OF ILLINOIS)
) SS:
COUNTY OF COOK)

I, Amy M. Spee, a notary public in and for the County of Cook and State of Illinois, do hereby certify that DONALD MANZULLO was first duly sworn to testify the whole truth, and that the above deposition was recorded stenographically by me and was reduced to computerized transcript under my personal direction.

I further certify that the said deposition shall be examined and read over by said deponent and shall be signed by him and that the said deposition constitutes a true record of the testimony given by the said witness.

I further certify that the said deposition was taken at the time and place specified and that the taking of said deposition commenced on the 7th day of October 2010 and was completed the same day.

I further certify that Ms. Lori E. Lightfoot, of the firm of Mayer Brown, of 71 South Wacker Drive, Chicago, Illinois, appeared as attorney for the plaintiffs; that Mr. Devon C. Bruce, of the firm of Power, Rogers & Smith, P.C., 70 West Madison Street, 55th Floor, Chicago, Illinois, appeared as

attorney for the defendants.

I further certify that I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel, or financially interested directly or indirectly in this action.

In witness whereof, I have hereunto set my hand and affixed my seal of office, at Chicago, Illinois, this ________ day of ___________ 2011.

____
Notary Public, Cook County, Illinois
CSR License No. 084-004559

My commission expires May 31st, 2012.